

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

CHRISTOPHER RANSOM,

Plaintiff,

-against-

C.O. ANDREWS,

Defendant.

USDC SDNY
DOCUMENT
ELECTRONICALLY FILED
DOC #:
DATE FILED: 9/29/22

21-CV-6343 (JPO) (BCM)

ORDER

BARBARA MOSES, United States Magistrate Judge.

The Court has received and reviewed plaintiff Ransom's letter-motion for spoliation sanctions, dated September 20 and filed September 26, 2022 (Dkt. 59), and defendant's letter, also dated September 26, 2022, requesting an extension of time to respond to the sanctions motion. (Dkt. 60.)

The parties are reminded that on September 9, 2022, this Court limited each party to a single additional motion, to be filed no later **September 30, 2022**, seeking relief regarding written fact discovery. (Dkt. 52 ¶ 1.)¹ Consequently, the Court does not expect any further such motions from plaintiff. Defendant's extension request is GRANTED. Defendant's time to respond to plaintiff's motion for spoliation sanctions is EXTENDED to **October 6, 2022**.

Defendant is reminded that, in his response, he may not rely on unsworn statements of counsel with respect to the relevant *facts*. Any factual assertions made by defendant in response to plaintiff's spoliation motion (including, for example, facts concerning DOC's video preservation policies, DOC's efforts, in any, to preserve the video footage sought by plaintiff, and the efforts of defendant's counsel to obtain and produce that footage) must be supported by admissible

¹ "Written" discovery, in this context, includes discovery of electronically stored information (ESI) such security camera footage.

testimony, in the form of affidavits or declarations made on personal knowledge, and/or properly authenticated records.

Earlier today, the Court issued a Protective Order in the form agreed to by the parties. (Dkt. 61.) Defendant shall produce the relevant DOC guidelines and protocols (*see* Dkt. 48) no later than **October 7, 2022**.

This Order resolves the motions at Dkts. 57 and 60. This Order does not affect the timing of plaintiff's deposition (*see* Dkt. 58), which may proceed as scheduled.

Dated: New York, New York
September 29, 2022

SO ORDERED.



BARBARA MOSES
United States Magistrate Judge